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The Fallacies of Direct Legislation ~~pt**~~

SPEECH DELIVERED BY

Hon. George R. Coldwell

IN

THE MANITOBA LEGISLATURE

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Mr. Speaker: In addressing the House on this important matter it seems to me that some very interesting questions arise on which we have not yet got sufficient information upon which to pass a decided opinion. I find in looking into the matter, that in the United States, where some of the states have adopted what is called the initiative and referendum, and in some cases, the recall, that it is under varying conditions and in what I may call varying shapes and forms, and the results of the operations of these principles and of these measures are of a varied character and the opinions of men who are entitled to judge of matters of this kind and of those, perhaps, who are, like ourselves, not sufficiently well informed to pass satisfactory and safe judgment on this issue, differ upon it.

It is very easy for the hon. member for Lakeside and his friends to propose a motion such as we have here, but I want to draw the attention of the House to this feature that must stand out in the matter. By a resolu-

tion which my hon. friend from Lakeside proposes to have passed in this House, it is suggested that we should adopt principles and measures which will absolutely change the constitution of this province.

No Simple Subject.

Now, that is no light matter. It is no simple subject to deal with; it is one of the most important and one of the most serious subjects that a province or a government of any country or any community can approach and deal with, especially where, as here, the state has a written constitution. But here we are assembled to deal with a matter of this kind and to adopt a principle upon discussions which may take place on this and on the other side of this House. Now, let us look at these matters and consider them a little.

Let us take the instance of our own country—Canada, and consider for a minute with what care, with what pains, with what deliberation, the

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constitution of the Dominion of Canada and of the various provinces thereof formed in 1867, and with what trouble and care and pains the constitution of this province was adopted in 1870. The British North America Act was not a matter that was simply adopted in a legislature like this and passed upon and recommended to the people for adoption. It was most carefully considered by experts and in numerous conferences and in innumerable debates and discussions, extending over several years.

Needed Consideration.

The Manitoba Act of 1870 was another of that character also. When you go further afield and consider the constitution of one of the latest of the self-governing Dominions, that of South Africa, that was not a constitution that was adopted after a few days' or even a year's consideration. That was a constitution that was based upon, was brought about perhaps, by the late South African war. The constitution that was afterwards adopted was discussed for years and was the result of the most mature and serious deliberations. It was not a constitution that was adopted on the resolution of a House, such as is proposed here. This matter of the referendum will result in an amendment of the constitution of this province, and so I submit, Mr. Speaker, to members of this House, that this is no proper way to bring up a matter of this most serious importance.

Now, at first sight, a matter of this kind sounds very nice. It seems to correspond to our present system of popular government. The leader of the Opposition, or any member who

gets up and proposes a matter of this kind—"The government of the people by the people" implies thereby that those who take a different opinion from him are opposed to government by the people.

Urge Great Care.

Such, Mr. Speaker, is not the case. In matters of this kind, I submit that we ought to approach it with the greatest care and deliberation, and look into the facts and examine the workings of these measures. The information is available, but it cannot be got here in a few days' time. It has to be got from countries where these measures are in operation, and although we may express an opinion today on their operations, we may be mistaken when we come to look into the workings of these principles. As far as I have been able to form an opinion, it is to the effect that the initiative and referendum as at present understood are neither democratic, nor republican, nor British.

They are neither one nor the other. I believe it is not democratic, but, on the contrary, that it is tyrannic, that it is not republican, although it is used very largely in republics. In modern times it is founded upon a philosophy that was adopted by a republic at one time. Furthermore, it is not the British system as we understand it and have been proud to live under.

It is all very well to jump at conclusions, but I advise the people of this country who are interested in this matter to go slowly in adopting a measure of this kind.

Refers To the Origin.

If you will permit me, Mr. Speaker,

I would like to give the House some information with regard to the history of the initiative and referendum in the country always quoted as the originator of it. I refer to Switzerland. I do not think Switzerland was the country where these principles were first adopted, and the conclusion I have come to is this, that the principles of the initiative and referendum were first propounded by a philosopher who lived in France shortly before the French revolution, named Rousseau. In his book, "The Contrat Social," which he published in 1762, he put forward the principles of the initiative and referendum. The first people to adopt it were the Commune of Paris, at the time of the revolution in 1793. I need only refer our friends on the other side of the House to the horrors of misgovernment that followed that regime. The tyranny of the mob and the guillotine. Death without trial: no law, but mob law. There it was a ghastly failure. The people ruled for a year or two and produced a Robespierre, and later on a dictator in the person of Napoleon, and shortly after a tyrant in the same individual, and it took the British constitution, and the spending of British blood and arms and money to rid the world of that tyrant.

Aristotle First to Advocate It.

The inception of this measure was not in Switzerland, nor was it really in France, although in modern times that is where it came from. Rousseau the writer who propounded those principles, probably drew his inspiration from an earlier date. A Greek philosopher named Aristotle wrote about it over two thousand years ago. To him my hon. friend from West

Winnipeg has probably paid a great deal of attention, and upon his doctrines he doubtless forms his opinions of the pure Liberal government he would like to give this country. The ancient Greeks had it and their pounder was the demagogue Cleon. It failed miserably there. The Roman tried it later and it failed with them. It is revived in Switzerland, and now some of the United states, and, in a modified form, some of the Australian states, are embracing it.

History of Move in Switzerland.

Let me give the House a short historical sketch of the introduction and use of the initiative and referendum in Switzerland. In that country in 1830, after the close of the French revolution, the initiative and referendum both came into common use. There are two features in connection with the referendum. One is called the facultative or optional, brought into use by petition of the electors, and the other is called the obligatory. The obligatory is one which compels certain laws to be submitted to the people in any event. The other is a system whereby the people petition, or there is an option of submitting laws to the people, and that seems to have been introduced into Switzerland in 1831.

The obligatory referendum first appears in 1852; the initiative was first adopted in 1845. In four cantons the citizens attend in person in a body and have possessed this power from time immemorial and pass their own laws. We used to have that in Britain in early days: the meeting of the people in parishes under the oaks, where they passed resolutions which were their laws. We have got past

that. That does very well in a small community, but as a country develops and population increases, these methods become impossible and impracticable.

Not Such a Good Thing.

Excluding those four cantons, there were in 1907, that is five years ago, nine cantons with obligatory referendum and six that enjoyed the facultative or optional referendum. If this is such an immeasurably good thing, if it is such a splendid form of government, why do these cantons not adopt both of them? Why do some cantons have one thing and some of them the other? One canton has neither the facultative nor the obligatory referendum. Switzerland has twenty-two cantons, each with a local government of its own, and a federal government composed of representatives elected from each of the cantons and a federal executive also elected from the cantons.

Results in Switzerland.

The results in Switzerland in regard to federal measures have been: Between 1874 and 1907, out of 57 votes taken 27 were in the affirmative and 30 in the negative, and out of 10 votes between 1848 and 1874 only one was in the affirmative. In addition to the votes there were the regular electoral votes. The people are kept agitated and are constantly being called on to vote for measures. This may suit the Swiss people and their temperament, but I don't think we want it. It is sufficient for us to have our regular federal, provincial and municipal elections, and not be called upon at other times to vote.

Contrary to Present Form of Government.

It is contrary entirely to the form of our representative responsible government. That is shortly a history of the matter as we find it in Switzerland today. Of course, it is very short, but it would take up more time than is at our disposal, were I to go into greater detail. Now, I said this was not a new thing; I said I would quote Aristotle as an authority and I will now do so with the permission of the House.

This great Greek philosopher wrote the work I am quoting from over two thousand years ago. He lived at a time when the ancient civilization of Greece was at the zenith of its glory. His writings upon politics are read and studied today perhaps more than at any period since his time, by students of political economy and forms of government.

"Law Is Supreme."

In his "Politics" Aristotle discusses various forms of government. In describing true democracy he points out that in all its modifications "the law is supreme."

He then describes another form of popular government, the workings of which are only partially regulated by law: and the essentials of the description, although drawn from systems of the Hellenic world of more than two thousand years ago read as if they might have been written in this present year of 1913, A.D., of what is being advocated and put into effect in the United States under the names of the initiative and referendum: even including the subjection of the judiciary to popular control. He says:

"There is yet another species (of democracy) which is similar to the last except that the people (the 'commons' or common people) rather than the law is here supreme. This is the case when it is popular decrees which are the supreme or final authorities, not the law. It is the demagogues who are to blame for this state of things. For in the states which enjoy a democratical polity regulated by law, no demagogues make their appearance. But it is where the laws are not supreme that demagogues appear, for the commons in such a state are converted into a monarchy. As these are exempted from the control of the laws, they become despotic and constantly pay high honors to sycophants, and in fact a democracy of this description is analogous to a tyranny among monarchial forms of government. It is the demagogues who are responsible for the supremacy of the popular decrees rather than the laws, as they always refer everything to the commons. And they do so because the consequence is an increase of their own power, if the commons control all affairs, and they themselves control the commons as it is their guidance that the commons always follow. Another circumstance which leads to the last form of democracy is that all who have any complaint against the officers of state argue that the judicial power ought to be vested in the commons, and as the commons gladly entertain the indictment the result is that the

authority of all officers of state is seriously impaired."

False Pretences and Real Character.

By way of conclusion Aristotle has this to say regarding the false pretences and real character of this kind of government:

"It would seem a just criticism to assert that this kind of democracy is not a constitutional government at all, as constitutional government is impossible without the supremacy of laws. For it is right that the law should be supreme universally and the officers of state only in particular cases, if the government is to be regarded as constitutional. And as democracy is, as we have seen, the form of polity, it is evident that the constitution, in which all business is administered by popular decrees, is not a democracy in the strict sense of the term, as it is impossible that any popular decree should be capable of universal application."

I want to give to the House the opinions of those men who are available and let them be judged for what they are worth, and not my own opinions, so I will read to you an extract from a discussion of this matter found in a recent number of the "Annals" published in the United States and devoted to the discussion of the initiative and referendum. It says:

"Appeals to the popular prejudice inducing unrest and discontent at existing evils, should be met with distrust. Clamors for the 'rights' of the people should be checked with a steadfast, but more altruistic regard for the preservation of the con-

stitution which was expressly established to safeguard those rights. There should be kept in mind the warning of Hamilton, one of the men who assisted in drawing up the American constitution, when he said: 'A dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people than under the forbidden appearance of zeal for the firmness and efficiency of government. History will teach us that the former has found a much more certain road to the introduction of despotism than the latter, and that of those men who have overturned the liberties of republics the greatest number have begun their career by paying an obsequious court to the people, commencing demagogues and ending tyrants.'

Not To Be Treated Lightly.

Mr. Speaker, we can now begin to see that it is a very serious matter to consider a subject of this kind; it is nothing to be treated lightly. I said that from what I could ascertain, it is apt to result in tyranny. History tells us that such has always been the case. After the French revolution in 1793, what was the next step? From the rule of the Commune to a Dictatorship, we very soon find Napoleon in the saddle in France. He was there during the revolution, not taking part in these doings; he was merely a military officer at that time.

But when the Commune was over he soon became Dictator in that country. Afterwards from Dictator to what did he succeed? Emperor and Tyrant. Where was Switzerland at

that time? True, Switzerland was not a country of much importance then. Is it yet? And can that country be compared with Great Britain, her colonies and government? Look at the results. Switzerland, without a colony, without development outside its bounds, a very admirable country within its own bounds—Switzerland, a small area, with three millions odd of people, governed by Initiative and Referendum, if you like to say so, as against Great Britain holding one fifth of the land area of the world today, and administrating a form of government that pleases, satisfies, develops, and enriches one fifth of the population of the world.

Judge By Results.

Let us judge then between the two countries and their forms of government, and by the results that they produced in the world, and then ask us if you will to improve upon that constitution of Great Britain under which such a genius for government has developed, that she gives constitutions to foreign countries as well as to her own colonies. Shall we tinker with this British system of Representative and Responsible government by grafting on to it some forms that suit good little Switzerland, but which are not even adopted by the great French republic, one of her nearest neighbors? At least it will be wise to be cautious in doing so.

Quotes Experience of United States

Mr. Speaker, I said a few minutes ago that there were certain evils of administration which existed among our neighbors to the south which influenced them to cast about for some

plan to remedy them. They have had various suggestions made to them. They passed a law, which I think was called the Sherman law, for the disorganization of trusts which had been formed in that country. Theodore Roosevelt, who was defeated the other day in the contest for president, was president at the time, and did a good deal towards disorganizing trusts under that law.

It is true he dissolved the trusts, but they went on in another form. The people discovered this and cast about for some remedies of other kinds. The premier discussed the conditions existing in the States and I want to refer to it further today, and to show the House some of the ills these people have been living under, upon the authority of one of themselves. It was not until after the Civil War that the administration of their laws became burdensome to the people, and more lately—within the last twenty or thirty years—these things have been growing until they have become very burdensome, and so they cast about to find some relief. Their laws in themselves are good enough, practically the same as ours on many points; some are better, more advanced.

Quotes Eminent Authority

The Insurance Law, for instance, in Michigan, is more advanced than ours, and a number of others. But certain ills of administration have grown up and to get relief from them they suggested the Initiative and Referendum, and the Recall has, in several instances, grown out of them and in others came in with them. Roosevelt was a very strong advocate of the Recall. I am going to quote here no less a person than the Attorney Gen-

eral of the United States—I don't want to say myself that these ills exist—but it would appear that what the premier said the other day was correct, and it is not to be wondered at that relief is sought by any means against some of these ills.

Mr. George W. Wickersham, the attorney general in Mr. Taft's government, speaking the other day before the Law School of Yale, made this statement, and it is quoted in a book that I would recommend to the honorable members on the other side of the House, "The Referendum, Initiative and Recall in America," by a gentleman named Oberholtzer, of Philadelphia.

"The Congress when it admits a State must decide not only whether its government is Republican in form, but the larger question—whether or not for this or that reason, or class of reasons, it is desirable to let it come into the family of states at all. Common prudence requires careful scrutiny of a new applicant for the honors of statehood, in order to determine whether or not its electorate is properly qualified to maintain stable and peaceable conditions under the particular form of republican government, which it proposes to adopt. A state which legally expedites divorce proceedings, favors prize fighting, condones or actually authorizes polygamy, ministers law by night riders, burns and mutilates negroes, hangs horse thieves to trees at the cross roads, and substitutes mobs for regularly constituted trial courts, can be no proud member of the Union. The civilization of a community which will

put judges in such a position that they are unable to administer their offices without fear or favor, and exhibits no respect for the system whereby honorable results have been attained in the maintenance of social order, can be well adjudged defective, and its citizens can be asked with no injustice to remain outside the union until their conditions shall improve."

The Conditions That Prevail

Would Mr. Wickersham speak thus if these things did not exist in that country, and these things existing do you wonder at those people casting about for some remedy and relief from their administrative methods? These are the conditions that prevail, as we know, in too many places in the United States, and I quote Mr. Wickersham as being one of the highest authorities and one of the administrators of that country in their Federal Council, and what he says cannot be gainsaid.

It is all very well to say, "Perhaps you have no business to speak about our neighbors in this way." An instance may now be given of the working of the Initiative and Referendum and Recall in some of the United States.

"In 1907 Oklahoma entered the Union under different conditions. The enabling act provided that the constitution of the new state 'shall be republican in form and make no distinction in civil or political rights on account of race or color, and shall not be repugnant to the constitution of the United States and the principles of the Declaration of Independence.' It was required, further-

more, that the State should never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude. The capital was established temporarily at Guthrie, from which place Congress stipulated it should not be removed prior to 1913, when it might be located permanently by vote of the electors.

"In August, 1910, the people added a 'grandfather clause' to the constitution aimed at the disfranchisement of the negro, in violation of the pact with the Federal government. In December the same year this shameless sister removed the capital from Guthrie to Oklahoma City without a vote of the people, in total disregard of the agreement under which she was given her place in the family of states."

Experience In Oregon

This is the state that has the Initiative and Referendum government by the people. I want to give you the opinion of Mr. Oberholtzer on some other matters and I will ask the House to pardon my quoting liberally from this book. I would like to quote from this gentleman what he quotes from some of the Oregon papers. We would be well advised to judge by the experience of some of these other places. This is a newspaper statement, and may be like some accounts we see in the Free Press here, of this government's conduct of the affairs of this province. We can safely venture the opinion that they are fairer than our Free Press. He quotes from the Portland Oregonian, a leading newspaper of the State, at first fav-

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orable to the new system of law-making.

"That both Initiative and Referendum within proper limits might be useful, was the belief of large numbers who joined in voting for their adoption, yet who did not see that it would fall into the hands of faddists, sophists, schemers, doctrinaires of all sorts, who would appeal to them against representative government and methods of ordinary legislation. They were adopted under the impression that they were to be the medicine of the constitution, cautiously administered when occasion might require, not its daily bread. They encourage every group of hobbyists, every lot of people burning with whimsical notions to propose initiative measures or to interpose objections through referendum appeals. They have the effect practically of abolishing laws and constitution altogether; or at least, of keeping people who would defend the stability and orderly progress of society always on guard, always under arms for their defence. All this is bringing Oregon under observation from every part of the United States. And not to her credit either. The whole of this modern scheme of setting aside constitution and laws and of forcing legislation without debate or opportunity of amendment turns out badly, because it gives the cranks of the country an opportunity which they have not felt restraint enough to forego. Careless people, or people who do not like to be bothered with impor-

tunity, sign their petitions to get rid of the solicitors, and when the election comes on the proposal is likely to be neglected by the body of voters and carried by the votes of the comparatively few enthusiasts who favor it, reinforced by the votes of those who mark their ballots ignorantly, or mechanically, without understanding the matter at all."

Again the "Oregonian" said:

"It was not intended that representative government should be abolished by the new system; but it has been abolished by it. Any group of persons, from the cave of Adullam, or other groups of persons of ill-arranged intellects, can propose initiative measures or call a referendum; and there is danger always that the crudest measures may pass into law through the inattention of the voters, or that proper legislative measures may be turned down through the referendum. The situation is the crank's paradise. It could not have been supposed that there would be so many groups of persons devoted to strange and multifarious crazes. Representative government after all is a pretty good thing. Oregon will yet return to it."

So Much Per Name.

He goes on and explains why they held up two votes for the Oregon State University for something like one and a half years each, and then he says—and this is interesting—I draw my hon. friend, the leader of the Opposition's attention to it particularly, this is where the machine

business comes in in Initiative and Referendum :

"In Portland there is an organization which contracts to provide signatures to the initiative and referendum petitions at regular published rates—three to five cents per name."

If that is not an interesting development of the Initiative and Referendum, I don't know what is. On this matter I want to quote a gentleman who ought to be an authority to the people of this country. I have here the conclusions of President Elect Woodrow Wilson upon this matter, than whom I suppose there is no greater authority, or a man whose opinion is of more weight in the United States at the present time. Besides being a finished student he has had the actual practical experience in government which should qualify him to form a correct judgment.

"The vote upon most measures submitted to the ballot is usually very light; there is not much popular discussion and the referendum by no means creates quick interest in affairs which its originators had hoped to see it excite. It has dulled the sense of responsibility among legislators, without, in fact, quickening the people to the exercise of any real control in affairs. Where it (the Initiative) has been employed it has not produced either progress or enlightenment, leading rather to doubtful experiments and to reactionary displays of prejudice than to really useful legislation. The government must have organs, it cannot act inorganically by masses. It must have a law-

making body; it can no more make laws through its voters than it can make laws through its newspapers."

An Opinion Worth While

This moderate opinion of President Elect Wilson is worthy of great weight. It is against the proposition and his statements appeal to our good judgment and common sense. I will now give figures showing the results by votes cast under the authority of these proposals in some of the United States of late years.

"The proportion of those voting for candidates who also vote for measures at the same elections has varied from 61 to 8. per cent. On 43 of the 64 measures submitted in Oregon since 1904, only 75 out of every 100 men who went to polls voted 'yes' or 'no.' In Oklahoma little more than 50 per cent of those voting for candidates have voted on laws in some recent cases; in the main less than 40 per cent. For constitutional amendments the recent researches of Mr. Dodd are conclusive. On the 472 constitutional questions which he finds to have been submitted to the people of the States in the decade 1899-1908, the vote was usually very small. The record is the same in all parts of the Union. In California, in 1904, when six amendments were submitted to the people none received more than 40 per cent of the votes cast for candidates; in 1906, when fourteen amendments were submitted, the lowest percentage was 30, and the highest 33. In Colorado in 1900 one amendment received

only 19 per cent of the vote for candidates. In Connecticut, three amendments in 1905 carried from 18 per cent to 22 per cent. Four in Florida in 1900 from 24 per cent to 32 per cent. Seven in the same state in 1904 from 22 per cent to 30 per cent. Eight in New Jersey in 1903 from 11 per cent to 12 per cent. Three in Pennsylvania in 1901 from 27 per cent to 30 per cent. Seven in New York in 1905 from 26 per cent to 30 per cent. Two in Virginia in 1901 from 10 per cent to 11 per cent. An amendment in Indiana in 1906 received about 8 per cent of the vote for candidates, and one in Ohio in 1903 only 6 per cent. Of the whole number of amendments reported, the votes on only eight reached or exceeded 90 per cent of the vote for candidates. As many as 240 received less than half the votes cast for candidates.

"The largest percentages in the referendum states as in the votes everywhere upon constitutional amendments are attained in relation to proposals for the enfranchisement of women and the prohibition of the liquor trade. The average man knows whether he wishes his wife to vote or not; whether he wishes to drink his whiskey or beer. On such an issue he has feelings and convictions which will cause him to mark his ballot. Of the ordinary legislative questions he can have little knowledge in the nature of the case. No amount of reading of thick pamphlets or of arguments, to which he must turn with reluctance, if at all, will

convey to his mind any intelligent idea of respective merits or demerits of 32 laws which were submitted to his attention in the state of Oregon in 1910, or of the 35 or 24 ordinances submitted in the city of Portland in 1909 and 1911 respectively. This is direct legislation run wild. The 'plain' people, the 'common' people, who the pamphleteers aim to seduce in Oregon, may find much pleasure temporarily in bringing discomfort to what they call the 'interests,' to the rich man and the corporation and to capital and capitalists generally. The fanaticism of the Socialist is not easily restrained, and may lead to much jealous voting on laws not normally very interesting. But prodded to his duty by ambitious leaders, human nature will re-assert itself and the people will return to their own grooves. The work of changing democracy is no less a task than the changing of man himself and this will probably not be done in a day even under the favoring skies beyond the Mississippi."

Government By the Minority.

The result of these votes indicate that instead of being governed by the majority, as in the British system, it is governed by the minority, and at the instance of faddists and sections of people who imagine they have grievances to contend with. The interest of the people is not maintained and it is only upon such subjects as the Enfranchisement of Women or the Prohibition of the Liquor Trade, that the average voter taxes any particular interest. He does not need in-

struction in them because the voter knows whether or not he wishes his wife to vote, or whether he wishes to drink his whiskey or beer. On the ordinary legislative questions he can have little knowledge in the nature of the case. We find that, even on the subject of direct taxation, where many bills are submitted to the electors of municipalities in our province, it is very often difficult to get a vote out to carry the bylaws, and during the past ten or fifteen years in the province the proportion of votes being polled for or against money by-laws is exceedingly small compared with the total number of votes available. If the people will not interest themselves to vote in a cause of direct taxation, and where their pockets are to be affected, can we expect them to take any more interest in ordinary legislative measures?

How They Work.

Let us look at these proposals a minute and see how they work out with the people. What do the people do when a measure is submitted to them? Do they sit down in a mass together and consider it? Of course they don't. What do they do? Do they all study it and discuss it? Only a very few will. Then at whose request do they vote; and who informs them in most cases what to do? "The government of the day" say you in some cases, or a man or two may be interested in the measure. He perhaps goes out and meets a certain number of people (he cannot meet all) and explains it from one side only. He is interested in the vote going his way and so he says nothing against the proposal. They hear one side discussed, and then they vote. In reality

and actually, so far as the Initiative and Referendum is concerned, they do no more. That is what the people do here under our present system. Under these now methods they are advised by self-imposed gentlemen they have taken no trouble to select, and they follow the recommendations of these people and vote, and they call that "government by the people." That is not government by the people.

Mr. Speaker, under varying forms of government of every kind the great Empire of Rome ruled the then known world, and every citizen of that country proclaimed his freedom and liberty in the terms "I am a Roman citizen," which was a passport of safe conduct for him wherever the Roman Eagle flew, and under the British form of government which we enjoy, the Briton makes the proud boast "I am a British subject," commanding thereby a greater respect and carrying him farther than the citizenship of any other country in the world.

The Real Privilege.

Again, I ask, Mr. Speaker, what does the citizen do under this system? He votes, and that is all. He votes at the behest of some gentleman who thinks he has got some wrong to right. But, Mr. Speaker, the real privilege that the common people have is what they have had all the time under the British system, under which he commits his affairs to responsible representatives of one party or the other, or to no party, as long as they may be considered the wisest and best men of his community. Mr. Speaker, what then does he do? He puts responsibility upon his representatives and gets responsible gov-

ernment. In the other case, the representative knows that if there is any question of responsibility he can get rid of it by throwing it back to the people who elected him.

Shall we let this responsible government go at the behest of these people? Hardly. The good sense and judgment of our people will not let it go. That is the principle that we stand for. The initiative and referendum does not underlie that principle, but is foreign to it. It throws back the responsibility to the people, so to speak. Then when the recall comes, as it will on the heels of the others, what will follow in a short time is anarchy.

Should we change the system under which we enjoy our magnificent position in the world, for this other untried position that is foreign to our experience? Do you suppose that under the Initiative and Referendum Britain could govern her three hundred millions of people in India? Why don't the sixty-five millions of Germany adopt it? It is not governing the thirty-five millions of France, where the republican system prevails. No, they have not taken it up, nor any other European country although they are all, so to speak, at the doors of Switzerland.

Japan's Experience.

What did Japan do, the country that went scientifically to work, the country that in these times has made the most advance in the shortest time of any country in the world? That people had the wisdom and common-sense to select the British system as their form of representative government. They went to Switzerland and to France and Germany and the

United States and examined their systems and they selected the British system and adopted it. Under it they are developing free institutions, and have been able to so successfully organize themselves that with some forty millions of people they were able to defeat and drive back Russia with one hundred and thirty millions.

I am satisfied, Mr. Speaker, that a resolution such as the member for Lakeside has proposed and his friends support, can only arise through a lack of appreciation of the British system of responsible government. What is the matter with it? Has it broken down? Or is it failing to meet the innumerable demands made on it from every quarter of the world and over every race in the world? Let us see what another experienced traveller says of the British system, its democracy, and its results

The British Form of Government

I want to quote from Mr. Price Collier's book called "England and the English," to show that the British form of government is the best in the world and does not need to be tinkered up and amended by the experts of the Liberal Opposition of this House. Listen to what Mr. Collier says :

"As in their political affairs, so in intellectual matters, they leave it to the few to govern, to guide, reserving themselves to act behind them when called upon just as their ancestors the Saxons did 1500 years ago. These people who have governed more of the world and a far larger population than any other people since time began, deserve respectful consideration for their methods in their

philosophy of government. Any Socialistic sneering or republican ribaldry on the subject of the British system of government must necessarily react on the foolish one who indulges in them. The ready answer is: we are taking charge of one in every five inhabitants of the globe and one in every five square miles. If you can do better why do you not do it? It is a noticeable feature of the history of this great governing people that they have had little desire to take part in the governing themselves."

And again—

"In America, as in other democracies, our mistakes and our political troubles have mostly arisen from a wrong interpretation of 'government by the people.' it has never meant and can never be successful when it is interpreted as meaning that each individual shall take an active part in government. That is the catch-penny doctrine preached from the platform by the demagogue. The real spirit of government by the people is merely that they should at all times have control and keep control of their governors, as these Saxons have done."

I want here to quote from Mr. F. J. Dixon, the hired lecturer. At Brandon, before the Grain Growers convention there he is reported in one of the papers, I think it was the Free Press, when speaking upon direct legislation, and discussing a bill recently passed by our sister province of Saskatchewan :

"The Saskatchewan direct legislation bill was practically useless, as it did not place control

of supply of finance in the hands of the people. Ministers could still raise their own salaries and bonus railways at their pleasure."

Truly this leader is hard to please. He is thrown down in the house of his friends.

Cannot Pass Measure

There is another matter I want to touch upon and that is this. I have come to the conclusion that we cannot pass such a law as will introduce the Initiative and Referendum into our Constitution. This is a legal question, it is true, and there is no doubt about it, and it might be well to be sure of our constitutional right before we adopt these principles. We are bound up with the British constitution and receive our authority from a higher source than ourselves. I think there is the gravest doubt about our power to re-delegate to the people the duties imposed by our constitution upon the provinces. I find that in the United States actions have been taken against these measures, and where in the states courts the judges were subordinate and subservient to the people, they upheld the legislation, but in other cases they did not. These cases are being carried to the Federal Supreme Court and will be tried out there before an independent tribunal.

The Leader of the Opposition says, "Trust the people," "the proposals are democratic," and more to the like effect. His assertions are a denial of British freedom and British democracy. We believe and have been saying for years, and my hon. friend has asserted it and echoed it time and time again, that Britain is

the most purely democratic country in the world and her form of government and institutions the freest and most democratic to be found on the face of the globe. Listen to what he experienced and travelled American author (Price Collier) says in his admirable book: "England and the English":

"Again I repeat that England is the most democratic country in the world where the rights of the individual are more respected, where the individual is less trammeled by artificial barriers of birth or class jealousy in his efforts to rise than anywhere else in Christendom."

Our Heritage.

This democratic freedom is a fact, and we have all been bound to admit it. This monarchical democracy of Britain is our heritage, built up and developed through a thousand years of experience. We believe it, we know it, we feel it and enjoy it. It is the result of our form of responsible and representative government. And it is based upon a mutual trust of the people in their leaders and representatives, and of them in the people. It is founded in trust and responsibility, and is the safest and truest democracy.

The plan proposed is based on distrust and irresponsibility. Think of it for a moment. Am I not right? The people after electing representatives from its best men say: "We will not trust you to manage our affairs, and we will reserve to ourselves the right of veto over your measures or recommendations." Yes, Mr. Speaker, we stand for a representative democracy, each one trusting the other,

and each one having confidence in the other, and so because we believe in maintaining the most democratic form of government in the world, we claim to have as much trust in the people, and to be as purely democratic as any one of our opponents on the Opposition.

Mr. Speaker, I submit that I have shown that the Initiative and Referendum is neither a republican nor a British device; that it is not even democratic, but tends to tyranny and anarchy. That it is impracticable and unworkable. That there are no ills or wrongs in our province or under the British form of government that the people are unable to redress and that no other form of government in the world is producing such results as the British. Then why should we not vote for the amendment of the Premier and say that the British form of responsible government that we enjoy is the best in the world. I suspect, Mr. Speaker, that the resolution of the member for Lakeside is simply a political device of the Liberal party and a playing with Socialism by them. They think it will aid them to turn out the present government. Pure patriots that they are, do they think they can hoodwink the people of this province by such catchpenny devices?

The Opposition Leader's Objection

Mr. Speaker, there is just one thing more I would like to refer to before I sit down. The leader of the Opposition yesterday was complaining that he had not been fairly reported by the Press. I agree with him, and I will point out that in its report of his speech on this resolution, the Free Press left out all reference to the leader of the Opposition's excuse for

the opinion of Mr. Asquith, the Premier of England, upon the Initiative and Referendum. The leader of the Opposition said in his reply to the Premier, that nearly all leaders of governments were opposed to it. This should have been reported and the Free Press is to be criticized for not

doing so. Sir Wilfrid Laurier, at Ottawa, called it rubbish, and he should be good authority for our friends opposite. It is too great a flight of fancy to suppose that the leader of the Opposition might look at it in a different light if he were leader of a government carrying responsibility.